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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,165	04/09/2001	Junichi Ohgo	Q63951	6557

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,165

Applicant(s)

OHGO, JUNICHI

Examiner

Dominic D. Saltarelli

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/13/03/4/5/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on April 7, 2000. It is noted, however, that applicant has not filed a certified copy of the P2000-10737 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau et al. (6,118,472) [Dureau] in view of Bowcutt et al. (6,308,328) [Bowcutt] and Shimomura et al. (6,526,580) [Shimomura].

Regarding claims 1 and 6, Dureau discloses a method and system for using the Internet comprising:

Using a telephone line to send a request indicating an operation desired by a user and sending the request to a provider's server (col. 4, lines 29-40, wherein the provider's server is service provider 13 shown in fig. 1);

Said provider's server (13) receives the request from said telephone line to carry out the operation desired by the user based on the request (via port 68, col. 4, lines 29-40), said provider's server generates display data showing the result of carrying out the operation (the display data is retrieved Internet data, col.

4, lines 41-50) and sends the display data to a broadcasting station (broadcasting station is broadcast center 12 shown in fig. 1, which receives the Internet data for broadcast, col. 3, lines 51-60 and col. 4, lines 41-50);

Said broadcasting station (12) which receives the display data from said provider's server (via port 74 of gateway 70 in fig. 1, col. 4, lines 41-45) and radio-transmits the display data (via satellite transmitter 30 in fig. 1); and

A television set (fig. 1, TV 50) with radio-receives the display data from said broadcasting station (13), said television set displays the result of carrying out the operation based on the display data (col. 4, lines 48-50).

Dureau fails to disclose the request is character data sent from a telephone.

In an analogous art, Bowcutt teaches using a cellular phone to provide upstream signaling (col. 7 line 61 – col. 8 line 10), providing a more flexible [untethered] upstream signaling means than a fixed or wired means.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Dureau to include using a cellular phone [telephone] to provide requests upstream, as taught by Bowcutt, for the benefit of a more flexible means to provide requests to the provider's server.

Dureau and Bowcutt fail to disclose the request is character data.

In an analogous art, Shimomura teaches using the Short Messaging Service (SMS) portion of a cellular telephone network to provide internet

transactions (col. 14, lines 40-56), for the benefit of a more flexible manner in which to send requests.

It would have been obvious at the time to a person ordinary skill in the art to modify the method and system disclosed by Dureau and Bowcutt to make requests by sending character data, as taught by Shimomura, for the benefit of providing a more flexible manner in which to send requests, as text messages allow users to input such data as URL's directly, or send requests in a more familiar word or phrase format.

Regarding claims 2 and 7, Dureau, Bowcutt, and Shimomura disclose the method and system of claims 1 and 6, wherein the character data is entered and sent by the user using an Internet mail function of said telephone (the SMS messages are mail messages being sent to an Internet server, Shimomura, col. 14, lines 40-56).

Regarding claims 3 and 8, Dureau, Bowcutt, and Shimomura disclose the method and system of claims 2 and 7, wherein said telephone is a mobile phone (bowcutt teaches using a cellular phone, col. 8, lines 3-6).

Regarding claims 5 and 10, Dureau, Bowcutt, and Shimomura disclose the method and system of claims 1 and 6, wherein the display data are radio-transmitted/received via a broadcasting satellite (Dureau, fig. 1, satellite 35).

4. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau, Bowcutt, and Shimomura as applied to claims 1 and 6 above, and further in view of Majeti et al. (5,534,913).

Regarding claim 4 and 9, Dureau, Bowcutt, and Shimomura disclose the method and system of claims 1 and 6, but fail to disclose said provider's server adds an identification code to the display data, and said television set selects the display data based on the identification code.

In an analogous art, Majeti teaches addressing data to particular users (col. 4, lines 26-45) wherein the data is broadcast to many users over a common broadcast channel (col. 4, lines 7-25), thus the receiver equipment must select received data for display based on the address information included in the broadcast, for the benefit of selectively targeting data to different users over a broadcast distribution network.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Dureau, Bowcutt, and Shimomura to include adding an identification code to the display data, and selecting the display data based on the identification code, as taught by Majeti, for the benefit of selectively targeting data to different users for exclusive reception over a broadcast distribution network.

Conclusion

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Norsworthy et al. (6,144,402), Miller II et al. (5,930,247), and Cunningham et al. (5,991,596).

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS



HAI TRAN
PRIMARY EXAMINER